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| APPLICATION NO.                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/072,266                        | 02/05/2002  | Kenji Fukasawa       | MIPFP003            | ,2068            |
| 25920                             | 7590        | 10/19/2005           | EXAMINER            |                  |
| MARTINE PENILLA & GENCARELLA, LLP |             |                      | CASCHERA, ANTONIO A |                  |
| 710 LAKEWAY DRIVE                 |             |                      | ART UNIT            | PAPER NUMBER     |
| SUITE 200                         |             |                      |                     |                  |
| SUNNYVALE, CA 94085               |             |                      | 2676                |                  |

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/072,266             | FUKASAWA, KENJI     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Antonio A. Caschera    | 2676                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 15 August 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-38 and 43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38,43 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/17/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 8/15/05.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in the pending application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 9, 11-16, 22, 24-30, 33-35, 38 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (U.S. Patent 5,982,416).

In reference to claims 1, 13, 14 and 25-27, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of

an image pickup unit and scanner which both acquire image data into the system (see column 3, lines 51-61). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34).

In reference to claims 2 and 15, Ishii et al. discloses all of the claim limitations as applied to claims 1 and 14 respectively above in addition, Ishii et al. further discloses reading out specific output device profile data according the specific type of output device (see column 4, lines 54-64) therefore, the Office interprets the profile data of Ishii et al. to inherently comprise of some sort of identifier data to associate the profile with a specific output device.

In reference to claims 3 and 16, Ishii et al. discloses all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). The Office interprets the output device corresponding CMS process unit acting functionally equivalent to the designating mechanism of Applicant's claims since it must choose the correct profile for each output device designated to received image data (see column 4, lines 20-30).

In reference to claims 9 and 22, Ishii et al. discloses all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3).

In reference to claims 11 and 24, Ishii et al. discloses all of the claim limitations as applied to claims 1 and 14 respectively above. Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both acquire image data into the system (see column 3, lines 51-61). Ishii et al. also discloses a data reception unit receiving data from the image pickup unit and scanner device (see column 4, lines 11-16).

In reference to claims 12 and 28, claims 12 and 28 are equivalent in scope to claims 1, 13, 14 and 25-27 and are therefore rejected in a similar manner. In addition, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10).

In reference to claims 29, 33 and 34, Ishii et al. discloses an image processing apparatus and method performing color matching processing of image data along with device profile data transfers (see column 1, lines 6-9). Ishii et al. discloses the apparatus comprising of an image pickup unit and scanner which both acquire image data into the system (see column 3, lines 51-61). Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53). Note, the Office interprets the CMS process unit acting functionally equivalent to the output control data acquisition mechanism of Applicant's claims since the output device CMS unit (#24 of Figure 3) acquires output device color reproducible data defining the conditions set forth by the output device to faithfully display image data. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Ishii et al. discloses a data multiplexing unit in a transmission-side configuration of the device, for embedding color space characteristic data, in a file with image data and transmitting this file as output (see column 7, lines 20-45 and Figures 8 and 16). Note, Ishii et al. also discloses alternatively, embedding characteristic data based on the type of output device, with image data (see column 7, lines 32-34).

In reference to claims 30 and 35, Ishii et al. discloses all of the claim limitations as applied to claims 29 and 34 respectively above. Ishii et al. discloses a CMS process unit which

comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3). Note, the Office believes the apparatus of Ishii et al. inherently acquires new or different profile data when the output device, the target device receiving the processed image data, is changed.

In reference to claim 38, claim 38 is equivalent in scope to claims 29, 33 and 34 and is therefore rejected in a similar manner. In addition, Ishii et al. also discloses the apparatus comprising a computer that includes RAM and ROM memories for storing a program to perform the above CMS methods (see column 4, lines 5-10).

In reference to claim 43, Ishii et al. discloses all of the claim limitations as applied to claim 1 above. Ishii et al. further goes on to disclose the output profile data possibly being conversion data including color space compression instructions according to color reproducible by the output device (see column 4, lines 50-53).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8, 10, 17-21, 23, 31, 32, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent 5,982,416) in view of Kohler et al. (U.S. Patent 5,646,752).

In reference to claims 4, 17, 31, 32, 36 and 37, Ishii et al. discloses all of the claim limitations as applied to claims 2, 15, 29, 30 and 34 respectively above however, Ishii et al. does not explicitly disclose identifying at least one classification selected from a group of classifications consisting of output device category, output device format, manufacturer, and output device model name. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a “DeviceModel” tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler et al. with the CMS profile processing techniques of Ishii et al. in order to allow for customizable data to be stored and represented in device profiles, aiding in color transformation processing of image data (see column 2, lines 7-41 of Kohler et al.). Note, in reference to claims 31 and 36, the Office interprets that the tag information of Kohler et al. inherently identifies and is designated to each device. Note, in reference to claim 32 and 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 5, 6, 18 and 19, Ishii et al. discloses all of the claim limitations as applied to claims 3 and 16 above however, Ishii et al. does not explicitly disclose the output device CMS process unit acquiring profile data with reference to a classification level. Kohler et

al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the profiles comprising of a “DeviceModel” tag stored within the profile (see column 9, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler with the CMS profile processing techniques of Ishii et al., enabling the output device CMS processing unit of Ishii et al. to select the correct device profile based on a device name or model, to aid in the CMS processing of image data by allowing for customizable data to be stored (device model/name information) and accessed in the device profiles (see column 2, lines 7-41 of Kohler et al.).

In reference to claims 7 and 20, Ishii et al. and Kohler et al. disclose all of the claim limitations as applied to claims 4 and 17 respectively above. Ishii et al. also discloses implementing multiple output devices, therefore requiring multiple output device profiles, each profile associated with a specific output device (see column 4, lines 20-30, columns 4-5, lines 65-4 and #21 and 22 of Figure 1). Kohler et al. discloses the profiles comprising of a “DeviceModel” tag stored within the profile (see column 9, lines 11-19).

In reference to claims 8 and 21, Ishii et al. and Kohler et al. disclose all of the claim limitations as applied to claims 7 and 20 respectively above. Neither Ishii et al. nor Kohler et al. explicitly disclose the output formats including xerographic printing, sublimation printing, ink jet printing, CRT display, LCD display, projection display, transmissive display, and reflective display formats. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the above specific output formats in the CMS profile format and processing techniques of Ishii et al. and Kohler et al.. Applicant has not disclosed that

supporting these specific output formats provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the monitor and printer profiles of Ishii et al. because the office interprets the exact output format that image data is transformed into to be a matter of design choice as preferred by the designer and to which best suits the applicant at hand. Further, the specific manner in which the image data is ultimately displayed or printed is seen to provide no immediate criticality to the application at hand. Therefore, it would have been obvious to one of ordinary skill in this art to modify the combination of Ishii et al. and Kohler et al. to obtain the invention as specified in claims 8 and 21.

In reference to claims 10 and 23, Ishii et al. discloses all of the claim limitations as applied to claims 1 and 14 respectively above. Although Ishii et al. discloses a CMS process unit which comprises of input and output device color matching processes coupled to both input and output device profile storage units (see column 4, lines 34-39 and #14 and 15 of Figure 1 and #14, 15, 23, 24, 26 and 25 of Figure 3), Ishii et al. does not explicitly disclose generating profile data. Kohler et al. discloses a system for modifying device profile tags (see column 1, lines 64-67 of Kohler et al.). Kohler et al. discloses the system comprising inputting and storing steps for inputting color image data and storing device profile tags (see column 11, lines 35-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device profile formatting of Kohler et al. with the CMS profile processing techniques of Ishii et al. in order to allow for customizable data to be stored and represented in device profiles, aiding in color transformation processing of image data (see column 2, lines 7-41 of Kohler et al.).

***Response to Arguments***

5. The cancellation of claims 39-42 and 44 is noted.
6. Applicant's arguments, see pages 11-14 of Applicant's Remarks, filed 08/15/05, with respect to the rejection(s) of claim(s) 1-44 under 35 U.S.C. 102(e) and 103(a), under Ogawa et al., Otake and Inoue et al., have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ishii et al. and Kohler et al.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*AAC*  
aac

*Matthew C. Bella*

10/14/05

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600